

Docket Clerk
Attention F.H.W.A. Docket # M C -96-28
Federal Highway Administration
Department of Transportation
Room 4232
400 7th Street SW
Washington , D. C. 20590

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January 10 , 1997

Hours of Service Rules Review ,

My background consists of 27 years as a paid commercial driver , with no chargeable accidents , and also a past Colorado state certified driving instructor for semi trucks I am presently employed as an over the road semi driver , usually pulling double and triple van trailers in a L.T.L. , union , team driving , nationwide operation , where I have worked for over six years I am a 47 year old , white , male , father and husband.

There are many companies and drivers I have worked with and talked with over the years The first thing about logs that comes to mind is that most drivers do whatever their employer likes and totally disregard the log rules in practice and only submit what is needed to pacify inspectors and law officers Case in point , 1-5-1997 at a Greenwood , Nebraska state scale a driver was caught with over 90 hours logged in the last 8 days , after being shut down and fined , the driver produced a new driver just cleared over the telephone by his company to drive the unit away from the scale

Line # 1 - Off Duty : most drivers use this line as needed to make their hours look correct for total time off , seldom does it reflect anything near what they are forced to do to satisfy their employers

Line # 2 - Sleeper berth : again this line is used to appease officers and companies seldom reflecting accurate record of rest

Line # 3 - Driving : This is where the real creativity begins ! Most drivers log faster than they are able to drive , log farther than they travel town to town , in the hours recorded , to enable themselves time to make their destination and time schedules Comparing fuel receipts , logs , toll tickets , pay stubs and trying to match , paid miles and times per trip will show severe discrepancies in most cases For instance , where I work the person in charge of logs encourages drivers to log faster than our trucks are governed to travel , the trucks mostly are governed at 58 miles per hour and most of our drivers log 60 miles per hour or faster I have seen 300 mile shifts logged in 4 hours by many people and accepted by the company as all right When recording the miles on the log they simply omit part of the miles traveled This practice allows the company to employ fewer people to perform what legal logs would require many more people to perform This lowers many corporate costs , benefits being the largest savings area

Line # 4 - On Duty - Not Driving : Here again there are many constant infractions Many drivers never log the real time spent loading and unloading , most show one half

97 JAN 15 ALL : 05
LEGS./REGS. DIV.
ADMINISTRATION

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hour and the rest of the time spent is shown in the bunk or off duty At a Lordsberg , New Mexico state scale on 1-1-1997 I spent one hour , along with about 40 other drivers , waiting to purchase a 1997 trip permit I asked how many were going to log this time on duty not driving , the response was NONE ! I was the only driver who logged on line 4 and the only one being paid for conducting business for my employer Chain up time , hook time , inspection time , repair time , waiting time when not relieved , these items seldom see the correct time on line 4 unless the carrier pays for all work time , otherwise it would cut the drivers available driving time and his wages Most line 4 time is minimized and goes unpaid to most drivers

70 hour Work Week - How many occupations are forced to submit to mandatory work week almost twice the national accepted normal work week ? How many occupations are supported by the government rules to work over 40 hours without overtime The 70 hour week should be scraped and all drivers be compensated on an hourly basis as most other United States workers are Mental and physical fatigue are much more rampant than people outside of the industry can possibly imagine

The first thing you should do before trying to fix the Hours of Service Rules is to realize that at their present state they are purposely ignored and manipulated and constantly violated I would estimate that less than five percent of the drivers I work with try to log legally , our seniority board is currently about 550 men , I have been personally harassed because I refuse to change logs to be FLEXIBLE and to HELP THE COMPANY OUT !

There are several things I would do to the Hours of Service Rules to promote public safety and fair practices in the trucking industry

Time would be recorded on an on board recording device and all time would be paid for in hourly pay There would be no free work time as many employers force on employees now , work time should be paid and all working hours should count towards rest and free time required Records of these devices would be kept on file and frequently checked by rotating inspectors who would never see the same carrier twice Recordings and fuel , port , and loading and unloading papers would all be coordinated and kept on file Fines would be large and purposeful instead of an annoyance to violators

Very truly yours ,

George L. Jones

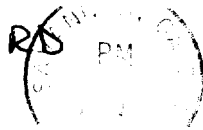
George L. Jones
P. O. Box 166
Keenesburg , CO. 80643

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1587

ADMINISTRATION



37 JAN 96 9:01

LEGS./REGS. DIV.

F.H.W.A

PLEASE SEND THE QUESTIONNAIRE
(DOCKET # 9628) (HOURS OF SERVICE)

I UNDERSTAND YOU WOULD
LIKE MY IDEA'S ON THIS MATTER.

I am an O.T.R DRIVER
(8 YEARS) AND I DO FEEL MY
INPUT MEANS A LOT TO MY
TYPE OF WORK (PLEASE FIND
A STAMPED ENVELOP FOR RETURN)

Thank You

Douglas HORREVOETS JR.

% 444 BATES GATES RD.

MIDDLETOWN, NY

10940

DOCKET mc-96-28-58
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Dec. 12, 1996

Ronald F. Doll
508 S. Columbia
Bloomfield, Iowa 52537

Re: Hours of Service MC# 96-28

97 JAN 27 9:00
LEGS. / REGS. DIV.
ADMINISTRATION

Dear FHWA,

My main concern with the present hours of service rules is: Why, as an owner operator, I am forced to take off every 8th day even when I am only working 10 hrs per day. The local store owner is allowed to work all the hours he wants, 365 days per year.

To say I am unfit to drive after 7 days is simply not valid. I make my living driving, I enjoy driving and I am as comfortable in the drivers seat as in my easy chair at home.

The only person working these hours is the business owner ie; me. Therefore, there is no one to complain about the hours of work. Companies and hired drivers are quite capable of establishing work hours without involving owner operators.

I respectfully offer the above thoughts for consideration with the request the logbook be reduced to what it should be: a report of the miles driven in the respective states.

Sincerely,

R. F. Doll

HCS Control No. 96-021

Assigned to:

HCS-10

Miller

Due Date: 1/28

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January 12, 1997

MC-96-28

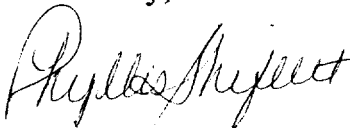
Department of Transportation:

I'm writing in reference to the hours of service changes.

LEAVE THE RULES ALONE!! The rules and regulations have worked since their creation and will continue to work. There are alot of trucks on the highways operated by teams, so an hours of service change will be of no benefit.

If you feel you must do something, sponsor training on how to do a log book, schools are leaving it up to the companies hiring to do the training, companies are leaving it up to the trainer, and his/her goal is to make money, not properly train the trainee. Stop various states from creating unsafe conditions, by having dual speed limits, keeping trucks in the right hand lane and when in city limits let us use all the lanes not the most dangerous one, we DO pay to use the whole highway.

Sincerely,



Phyllis Shiflett
PO Box 312
Keyser, WV 26726

RECEIVED
ADMINISTRATION

97 JAN 13 4 8:06

LEGS./REGS. DIV.

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ADMINISTRATION

Docket

~~96-28~~

96-28

97 JAN 05 09:05

Dear Sirs

^{LEGS/REGS. DIV.}
 You should look at ever thing
 as the hours-of-service. The way
 we are pushed we set from 2
 to 24 hours to get loaded and
 they will not wake us up and
 we have to help load what
 ever.

Budweiser is one of these, almost
 everyone is like this. The shipper
 should know how to load it
 and we should not be pushed
 on loads we can't make in the
 time we are given. And the pay
 should be like min wage 41 mile.

It is some drivers that are
 out there that make it hard
 for us. Me myself, out there
 to make a living.

If I get sleepy before my 10
 hours are up I put my truck
 in a safe place and get in my
 bunk.

Yes the shippers or consignees
 and the trucker co. Because they
 push us the penalties should
 go to them. We should have
 someone to help us and the
 pay. I hope you will, because
 I think this will help and

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John Blackburn
 4500 CR 224
 Clyde TX 79610

maybe help us. Because we get
ripped off by everyone. 100 to un
load trucks or to load so we
can sleep. And they should wake
us up to move and they can load
and unload us and if they ever
load us they pay for it.

Thank you
very much
John Blackburn

ADMINISTRATION

97 JAN 7 9:03

LEGS./REGS. DIV

12-13-96

DEAR SIR'S,

RAISE DRIVING HRS FROM

10 HR- TO 12 HR'S LEAVE ALL

OTHER REGULATIONS AS THEY

ARE- THANK YOU

Charles E Johnson

DOCKET # MC-96-28

Charles E Johnson
PO Box 84
Stillman Vly IL 61084-0084

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DOCKET CLERK

ATTN: FHWA DOCKET NO. MC-96-28

FEDERAL HIGHWAY ADMINISTRATION
DEPARTMENT OF TRANSPORTATION
ROOM 4232

400 SEVENTH ST., S.W.
WASHINGTON, DC 20590

97 JAN 27 09:00

FEDERAL HIGHWAY
ADMINISTRATION

LEGS. REGS. DIV.

RE: HOURS OF SERVICE RULES CHANGES

AS A LICENSED COMMERCIAL DRIVER/TRAINER
THERE ARE SEVERAL ISSUES I WOULD LIKE
TO GIVE MY OPINION ON.

THE FIRST ISSUE I WOULD LIKE TO ADDRESS
IS THE INFORMATION PROVIDED TO YOU ON
OUR 60 YEAR OLD, UNCHANGED, LOG SYSTEM.
THE MAIN FAULT WITH IT IS THE FACT THAT
THE INFORMATION PRESENTS AN IDEALISTIC,
TEXTBOOK PERFECT, UNREALISTIC PICTURE OF
A NORMAL DRIVER'S PHYSICAL CONDITION.

TO ILLUSTRATE MY POINT I WOULD LIKE TO
TELL YOU OF MY PERSONAL, REAL LIFE
EXPERIENCE. MY MOTHER PASSED AWAY LAST
YEAR, REQUIRING A TRIP FOR MYSELF AND
MY SON, WHO IS MY TEAM CO-DRIVER, FROM
ALABAMA TO CALIFORNIA. WE DID FLY TO CALIFORNIA,
BUT ONCE WE WERE THERE, WE SPENT 16
TO 18 HOURS A DAY FINALIZING HER AFFAIRS
AND PACKING HER PERSONAL BELONGINGS

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FOR TRANSPORTATION BACK TO ALABAMA. WE THEN DROVE TWO VEHICLES BACK FROM CALIFORNIA, COVERING A LITTLE OVER 2000 MILES IN THREE DAYS. ALL OF THESE ACTIVITIES WERE WITHIN THE PARAMETERS OF THE LAW. NONE OF OUR DRIVING WAS IN A COMMERCIAL VEHICLE. WHEN WE RETURNED, OUR LOG BOOKS SHOWED TEN DAYS OFF DUTY. ANY DOT OR STATE LAW ENFORCEMENT OFFICER WOULD LOOK AT EITHER OF OUR LOG BOOKS AND BE REASONABLY ASSURED THAT WE BOTH HAD PLENTY OF REST. THE "REALITY" WAS THAT WE WERE BOTH EXHAUSTED AND NOT FIT TO DRIVE AROUND THE BLOCK, BUT WE WERE BOTH WELL WITHIN OUR "LEGAL" RIGHT TO DRIVE.

I DO REALIZE THAT THIS TYPE OF SITUATION IS IMPOSSIBLE TO POLICE, BUT IT IS A SITUATION THAT EXISTS EVERY SINGLE DAY OF THE YEAR, HUNDREDS OF TIMES EACH DAY. CONSIDERING THE FACT THAT THERE ARE THOUSANDS OF NON-COMMERCIAL DRIVERS ENDURING THE SAME SET OF CIRCUMSTANCES EVERY DAY, I AM AMAZED THAT THE FATALITY RATE IS NOT HIGHER THAN IT IS.

ALSO, THERE ARE HUNDREDS OF OTHER SIMILAR PERSONAL SCENARIOS IN OUR

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EVERYDAY WORLD THAT CREATE THE VERY SAME TYPE OF FATIGUED DRIVERS. WHAT WE AS INDIVIDUALS HAVE TO COPE WITH IS DISCERNING THAT GRAY AREA BETWEEN WHAT IS "LEGAL" AND WHAT IS PERSONALLY "RESPONSIBLE". YOUR AGENCY ALONG WITH ANOTHER TEN MILLION BUREAUCRATS WILL NEVER BE ABLE TO REGULATE A DRIVER THAT REFUSES TO ACT RESPONSIBLY.

THE SECOND THING I WOULD LIKE TO COMMENT ON IS DRIVERS BEING REQUIRED TO UNLOAD TRUCKS. THE WORST OFFENDER IN THIS AREA IS GROCERY WAREHOUSES. I HAVE PERSONALLY WAITED IN MY TRUCK FOR OVER 24 HOURS AT A GROCERY WAREHOUSE, TO GET TO A DOOR TO UNLOAD. AT THAT POINT, YOU WORK ANOTHER THREE HOURS TO UNLOAD THE TRUCK. YOU COULD, ARGUABLY, HIRE A LUMPER TO DO THE JOB, BUT THAT IS NOT ALWAYS A PRACTICAL, VIABLE ALTERNATIVE. THE RECEIVING DEPARTMENT AT MANY GROCERY WAREHOUSES SIMPLY DO NOT CARE HOW LONG YOU HAVE TO WAIT, HOW LATE THEY HAVE CAUSED YOU TO BE TO YOUR NEXT STOP, OR LASTLY HOW FATIGUED YOU ARE. THE BOTTOM LINE IS THAT THEY ARE NOT RESPONSIBLE TO ANY REGULATORY AUTHORITY FOR THE ILLEGAL THINGS THEY

(4)

FORCE TRUCKERS DELIVERING TO THEM TO DO, AS A DIRECT RESULT OF THEIR COMPLACENT ATTITUDE. SHIPPERS AND RECEIVERS NEED TO BE SUBJECTED TO SOME TYPE OF "ENFORCEABLE" REGULATIONS, BECAUSE THE TRUCKER HAS A TENDENCY TO GET TRAPPED BETWEEN THESE ENTITIES, WITH NO SOURCE OF RECOURSE.

MY LAST POINT DEALS WITH ESTABLISHING SOME TYPE OF EQUITY BETWEEN COMMERCIAL AND NON-COMMERCIAL DRIVERS. A NON-COMMERCIAL DRIVER CAN OSTENSIBLY DRIVE FOR 24 HOURS A DAY UNTIL HE OR SHE PASSES OUT FROM EXHAUSTION WITHOUT ANY FEAR OF REPRISAL, OTHER THAN HIS OR HER PHYSICAL PROBLEMS. IN 1994, THERE WERE 4,326 FATAL CRASHES INVOLVING LARGE TRUCKS AND AUTOMOBILES. IT IS REPORTED BY LAW ENFORCEMENT AGENCIES THAT OVER 70% OF THESE WERE CAUSED BY THE NON-COMMERCIAL AUTOMOBILE DRIVER. THE COMMERCIAL DRIVER IS SUBJECT TO A MYRIAD OF RULES AND STANDARDS THAT ARE NOT APPLICABLE TO THE NON-COMMERCIAL DRIVER. THE NON-COMMERCIAL DRIVER STANDARD IN THE UNITED STATES IS AT BEST DEFICIENT WHEN COMPARED TO THE DRIVER EDUCATION AND STANDARDS

(5)

OF MANY OF THE EUROPEAN COUNTRIES, IT WOULD BE INTERESTING TO COMPARE THE LITERACY RATE OF AMERICAN DRIVERS TO THAT OF EUROPEAN DRIVERS. I WOULD IMAGINE THE AVERAGE AMERICAN CITIZEN WOULD BE SHOCKED TO KNOW HOW MANY ILLITERATE DRIVERS THERE ARE ON AMERICAN ROADS TODAY. I WOULD ALSO INVITE YOU TO FIND OUT HOW MANY LANGUAGES THE WRITTEN TEST IS GIVEN IN, IN SAY GERMANY OR FRANCE. I WOULD VENTURE A GUESS THAT IT WOULD BE LESS THAN TWO IN EITHER COUNTRY. COMPARE THAT TO THE TWELVE OR MORE LANGUAGES AMERICAN TESTS ARE GIVEN IN. IF DRIVER QUALIFICATION STANDARDS WERE BROUGHT TO A MORE LEVEL PLAYING FIELD IN OUR COUNTRY, I BELIEVE YOU WOULD SEE SAFER ROADS, LOWER INSURANCE COSTS, AND PROBABLY FEWER DRIVERS. THIS, OF COURSE, WOULD MEAN LOWER REVENUES WHICH IS SOMETHING THAT IS CONTRARY TO THE TREND OF GOVERNMENT TODAY.

ANOTHER SOURCE OF INEQUITY EXISTS IN THE TESTING FOR DRUGS IN THE CASE OF AN ACCIDENT OR ON A RANDOM BASIS. I AM FULLY SUPPORTIVE OF THE TESTING FOR DRUGS, BUT I DO NOT

(6)

BELIEVE THAT IT GOES FAR ENOUGH. I PERSONALLY BELIEVE THAT ANY PERSON OPERATING A MOTOR VEHICLE SHOULD BE SUBJECTED TO RANDOM DRUG TESTS, JUST AS CDL HOLDERS ARE. THIS ONE MOVE WOULD PROBABLY REMOVE A LOT OF DRIVERS FROM AMERICA'S HIGHWAYS, AS I BELIEVE PROBABLY 20% TO 25% OF DRIVERS TODAY ARE UNDER THE INFLUENCE OF SOME TYPE OF ILLICIT DRUG.

A GROWING SOURCE OF CONCERN TO MANY DRIVERS IS THE USE OF LAW ENFORCEMENT OFFICIALS BY MANY STATES TO PRODUCE TAX REVENUE IN THE FORM OF FINES. I MYSELF HAVE BEEN VICTIMIZED BY THE STATE OF OHIO, IN WARREN COUNTY, IN A SPEED TRAP OPERATION. I HAVE PERSONALLY OBSERVED SIX STATE TROOPERS WORKING WITHIN A THREE MILE AREA ON I-71, OUTSIDE OF CINCINNATI. I WAS GIVEN A TICKET FOR 66 MPH IN A TRUCK THAT WAS GOVERNED AT 62 MPH BY THE ON BOARD COMPUTER. THE OHIO COURT SYSTEM IS SET UP SO THAT YOU HAVE TO APPEAR ONCE FOR A PRELIMINARY HEARING, THEN YOU HAVE TO APPEAR A SECOND TIME FOR THE ACTUAL HEARING. THIS IS THE PROCEDURE FOR A SIMPLE TRAFFIC TICKET, WHICH IN MOST STATES CAN BE HANDLED BY A SINGLE APPEARANCE.

(7)

EVEN A SINGLE APPEARANCE CAN COST AN OUT OF STATE COMMERCIAL DRIVER \$500⁰⁰ TO \$1000⁰⁰ DEPENDING ON HOW FAR HE HAS TO TRAVEL FOR THE APPEARANCE, HOW MUCH TIME IS LOST FROM WORK, ETC. A DRIVER HAS TO WEIGH THE ECONOMIC ADVANTAGE OF SIMPLY PAYING A \$50⁰⁰ OR \$60⁰⁰ TAX TRIBUTE (TRANSLATION = FINE) AGAINST CONTESTING THE CITATION AT A COST OF SEVERAL HUNDRED DOLLARS, EVEN THOUGH YOU MAY HAVE BEEN UNJUSTLY CITED.

WHEN YOU DOUBLE THESE COSTS, IN A STATE LIKE OHIO, YOU ARE ESSENTIALLY COERCED INTO PAYING AN UNJUSTIFIED FINE IN ORDER TO SAVE AS MUCH AS TWO THOUSAND DOLLARS. THIS SAVING CAN COME BACK TO HAUNT YOU THOUGH, THROUGH INCREASED INSURANCE COSTS AND PUNITIVE ACTIONS BY YOUR EMPLOYER. IN MY CASE, I TRIED TO PRESENT MY EVIDENCE TO THE JUDGE AND PROSECUTOR DURING MY PRELIMINARY HEARING. WHEN THEY SAW MY EVIDENCE, THEY OFFERED ME A "DEAL". THEY WOULD REDUCE THE SPEED FROM 66 MPH TO 59 MPH, IF I ENTERED A GUILTY PLEA. I PROTESTED, SAYING I HAD BEEN CHARGED WITH 66 MPH AND I WAS NOT GUILTY. THE JUDGE RESPONDED WITH A TERSE, "THE PROSECUTOR IS

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OFFERING YOU A DEAL! DO YOU UNDERSTAND?"
THE IMMEDIATE MESSAGE I RECEIVED WAS
TO SHUT UP AND PAY THE FINE, OR
COME BACK AT A LATER DATE, LOSE MORE
TIME FROM WORK AND SPEND MORE OF MY
MONEY, THAT I SIMPLY COULD NOT
AFFORD TO SPEND. I AM CERTAIN THIS
SCENARIO IS PLAYED OUT THOUSANDS OF
TIMES EVERY WEEK IN OUR COUNTRY.
IN CLOSING, I WOULD LIKE TO SAY
THAT IN SPITE OF HOLLYWOOD AND
THE NEWS MEDIA'S DEPLORABLE
ATTEMPTS OVER THE PAST FEW
YEARS TO PORTRAY ALL TRUCK
DRIVERS AS DOPE SMOKING,
BOOZE GUZZLING, WOMAN
CHASING MASOCHISTS, WE ARE,
FOR THE MOST PART, HOME LOVING
FAMILY PEOPLE, HARD WORKING TAXPAYERS,
RESPONSIBLE CITIZENS WHO DO CARE
ABOUT THE FEELINGS OF OTHERS.
WE PAY THE SALARIES FOR GOVERNMENT
AGENCIES, WE DO VOTE, AND ABOVE
ALL, WE SUPPLY EVERYTHING THAT
KEEPS THIS COUNTRY CLOTHED,
FED, SHELTERED, AND MOVING.
WE MAY BE INDEPENDENT, BUT
THAT IS WHAT HAS MADE OUR
COUNTRY GREAT AND FREE.

(9)

PARAPHRASING A BUMPER STICKER ABOUT
"HUGGING A KID", I ASK "HAVE YOU
THANKED A TRUCKER LATELY"?

BEST REGARDS,

RICK SHEA
2477 ALFORD BEND RD.
GADSDEN, AL 35903

205-492-0037

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